

AUG 17 2007

Application No. 09/943,018
Amendment dated August 17, 2007
Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1

REMARKS

Claims 1-3 and 7 are now present in this application.

Claims 1, 3, and 7 have been amended, and claims 4-6 and 8-20 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

Amendments to the Claims

It is noted that limitations from original claims 5 and 6 have been incorporated into independent claim 1. Also, in claim 7, the term "removed" has been replaced by the term "deleted." Support for this feature can be found in paragraph [0037] of the specification. Accordingly, it is respectfully submitted that no new matter is present in the foregoing amendments.

Rejection under 35 USC 102

Claims 1-5 and 9-17 are rejected under 35 U.S.C. §102(e) as being anticipated by Niwa, U.S. Patent 6,538,692. This rejection is respectfully traversed.

It is noted that claim 6 has not been rejected in view of Niwa. Without conceding the appropriateness of the Examiner's rejection, but simply to expedite prosecution of this application, it is noted that limitations from claim 6 and intervening claim 5 have been incorporated into independent claim 1. Accordingly, reconsideration and withdrawal of the 35 USC 102(e) rejection are respectfully requested.

Application No. 09/943,018
Amendment dated August 17, 2007
Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1

Rejection under 35 USC 103a

Claims 6 and 18 stand rejected under 35 USC 103 as being unpatentable over Niwa in view of Ogino, U.S. Patent 5,852,467.

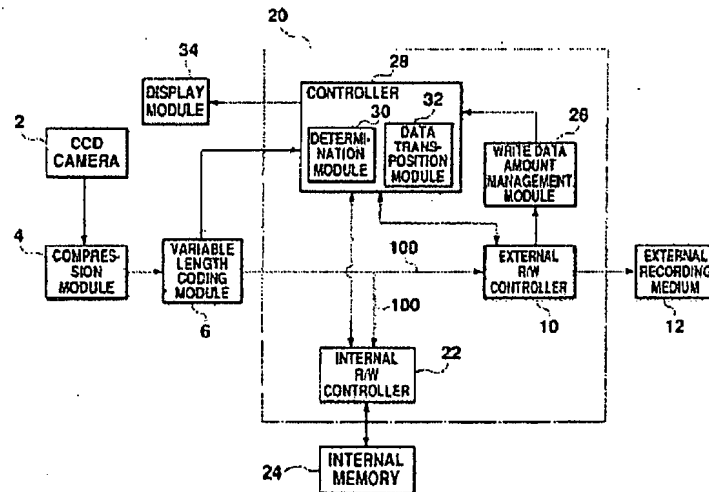
Claims 7 and 19 stand rejected under 35 USC 103 as being unpatentable over Niwa in view of Ogino, and further in view of Ogawa, U.S. Patent 6,415,107. This rejection is respectfully traversed.

Claims 8 and 20 stand rejected under 35 USC 103 as being unpatentable over Niwa in view of Ogawa. This rejection is respectfully traversed.

First, it is noted that Niwa discloses a dynamic data storage control method and system. Image data coded by a variable length coding module is output to an external R/W controller and an internal R/W controller. A determination module compares the amount of coded picture data to be recorded next with the amount of free space on an external recording medium. If there is enough free space, image data is written on the external recording medium. If free space is insufficient, subsequent image data is written into an internal memory. When image data is coded into variable length data, it is difficult to predict precisely a recording time of the external recording medium, which means that the external recording medium may become full before a desired amount of image data is recorded. However, image recording may be continued using the internal memory even after the external recording medium becomes full. The system is shown below:

Application No. 09/943,018
 Amendment dated August 17, 2007
 Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1



Niwa fails to teach every element of claim 1, for example, Niwa fails to teach or suggest the feature of that, while said external storing means are available to store any recently inputted said multi-media data, said multi-media data from said multi-media means are continuously stored synchronously into both said external storing means and said buffering means. Niwa also fails to teach or suggest that following a period of time in which said external storing means are unavailable, while said external storing means becomes available to store any of said recently inputted multi-media data, said multi-media data transmitted from said multi-media means are stored synchronously into both said external storing means and said buffering means.

As is described in paragraph [0034] of the present specification, it is better to let quota of buffering means is not full or nearly full, to ensure function of buffering means is correct. Moreover, one main object of storing multi-media data in buffering means is to avoid any loss during the period that flow of multi-media data is changed from external storing means into buffering means, which may be unavoidable for the flow shown in FIG. 3B.

Application No. 09/943,018
Amendment dated August 17, 2007
Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1

However, as is set forth in column 5, line 63 through column 6, line 14 of Niwa:

(1) When the amount of coded picture data to be recorded next is less than the amount of free space on the medium (usual recording time):

The determination module 30 outputs the "write enable signal" to the external R/W controller 10, and the "write disable signal" to the internal R/W controller 22.

(2) When the amount of coded picture data to be recorded next is larger than the amount of free space on the medium:

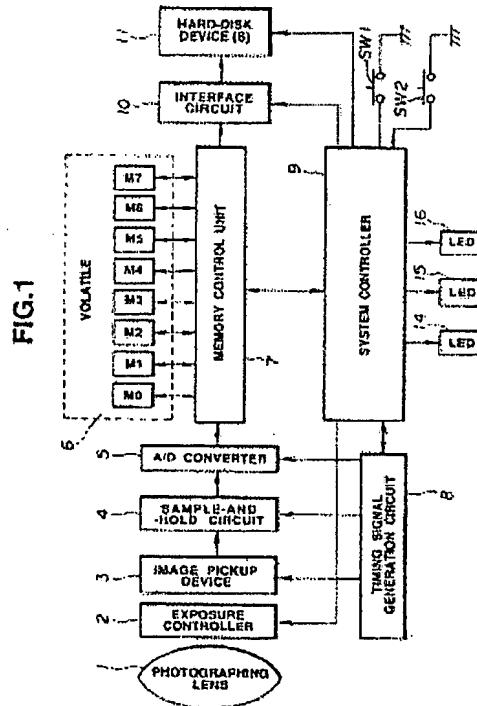
The determination module 30 outputs the write disable signal to the external R/W controller 10, and the write enable signal to the internal R/W controller 22.

In Niwa, because the determination module 30 compares the amount of coded data with the amount of free space on the external recording medium, the coded data will not be synchronously stored both into the external recording medium 12 and the internal memory 24.

With regard to Ogino, as discussed in column 4, lines 9-12 set forth that the image signal after the A/D conversion is first stored in internal memory 6 under the control of memory control unit 7, and is then recorded and stored in hard-disk device 11 via interface circuit 10. The system is shown in drawing below.

Application No. 09/943,018
 Amendment dated August 17, 2007
 Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1



According to the background of the invention in Ogino (column 1, line 25 through column 2, line 3), Ogino states that there are several reasons to store the image signal first in the internal memory and then to store in hard-disk device 11. During a continuous photographing operation, the speed of storing image data in the buffer memory is higher than the speed of outputting the signal image from the buffer memory to the hard disk.

Ogino also fails to teach or suggest that, while said external storing means is available to store any recently inputted said multi-media data, said multi-media data from said multi-media means are continuously stored synchronously into both said external storing means and said buffering means, and that, following a period of time in which said external storing means are unavailable, while said external storing means becomes available to store any of said recently

Application No. 09/943,018
Amendment dated August 17, 2007
Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1

inputted multi-media data, said multi-media data transmitted from said multi-media means are stored synchronously into both said external storing means and said buffering means.

It is also respectfully submitted that there is no motivation or suggestion to modify and/or combine Niwa with Ogino as proposed by the Examiner.

It is further noted that the secondary reference to Ogawa, utilized by the Examiner, fails to overcome the above-noted deficiencies.

In view of the foregoing amendments and remarks, it is respectfully submitted that the prior art utilized by the Examiner fails to teach or suggest the method of independent claim 1 and its dependent claims. Accordingly, reconsideration and withdrawal of the 35 USC 103 rejection are respectfully requested.

Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Application No. 09/943,018
Amendment dated August 17, 2007
Reply to Office Action of May 17, 2007

Docket No.: 4444-0245PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 17, 2007

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant